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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,855	03/12/2004	Hitoshi Takeda	17268-005001	2059
26211	7590	05/22/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			HO, BINH VAN	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,855

Applicant(s)

TAKEDA ET AL.

Examiner

Binh V. Ho

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/04, 10/7/004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a response to the RCE filed March 13, 2006.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 7; it is unclear what the term "to prevent the temperature in the lamp from increasing" refers to. Does this term refer to prevent the temperature (overheat?) in the vehicular lamp, a position lamp, or both.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 to 3 remain rejected and newly added claims 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Stam (US20030123705).

(Claim 1)

Stam a vehicular lamp (Figure 26a) used for a vehicle, comprising a semiconductor light emitting element (2650) for generating light used for a vehicular headlamp (2800 in Figure 28) to emit said light forward from said vehicle; and a current controlling unit (1105, 1127, 1104 in Figure 11) for reducing the current supplied to said semiconductor light emitting element for switching the vehicular lamp to a position lamp and to prevent the temperature in the lamp from increasing.

(Claim 2)

Stam teaches current controlling unit (1105, 1127, 1104 in Figure 11) reducing said current (paragraph [0124]) if said vehicle is stopped.

(Claim 3)

Stam further teaches a plurality of semiconductor light emitting elements coupling in parallel (in figure 28; 3311,3312 in Figure 33), wherein said current controlling unit (1105, 1127, 1104 in Figure 11) comprises a selecting unit (1121,1123 in Figure 11) for selecting all or a part of said plurality of semiconductor light emitting elements (2650) based on an instruction of said driver (1121 in Figure 11, 3415, 3415 in Figure 34, paragraph [0020], [0023], [0124]) of said vehicle; and a current supplying unit (paragraph [0124]) for allowing a part of said plurality of semiconductor light emitting elements (2650) to emit said light used for said position lamp (3311,3312 in Figure 33) by reducing currents supplied (paragraph [0294], figures 14, 18-21) to said semiconductor light emitting elements (2650), if said selecting unit (1121,1123 in Figure 11) selects said part of semiconductor light emitting elements by supplying currents to said selected semiconductor light emitting elements.

(Claim 4)

Stam further teaches the current controlling unit reduces a current supplied to said semiconductor light emitting element based on at least one of a speed of the vehicle (Figure 21), a temperature of a vehicular lamp, and a brightness around the vehicle (Figures 50A, 50B, 50C) during the course that a vehicular lamp is turned on as a vehicular headlamp.

(Claim 5)

Stam further teaches the current controlling unit reduces said current, if said vehicle is stopped (paragraph [0180]).

(Claim 6)

Stam further teaches a plurality of said semiconductor light emitting elements coupled in parallel (in figure 28), wherein said current controlling unit comprises a selecting unit for selecting all or a part of said plurality of semiconductor light emitting elements; and a current supplying unit for allowing a part of said plurality of semiconductor light emitting elements to emit said light used for said position lamp by reducing currents supplied to said semiconductor light emitting elements, if said selecting unit selects said part of semiconductor light emitting elements by supplying currents to said selected semiconductor light emitting elements (paragraph [0075, [0080], [0124-0125.], [0128-0129])

Response To The Arguments

4. Applicant's arguments filled on 03/13/2006 have been fully considered. Applicant made the following arguments:

Position Lamp

Applicant argues that Stam fails to disclose a position lamp.

Examiner respectfully disagrees.

Position lamp is interpreted as a lamp in either the front or rear position.

Another example of position lamps is parking light. (See
http://en.wikipedia.org/wiki/Turn_signal)

Stam discloses that the high beam vehicle lamp (1132 in figure 11) is switched to a low beam lamp (1131 in figure 11) as a position lamp since it is located in the front position of the vehicle. Since the low beam lamp (1132 in figure 11) is located in the front position, it well meets the definition of position lamp.

Current consumption

Applicant argues that the claimed invention uses less current than does Stam high beam or low beam therefore the position lamp generates less heat and eliminates the need for expensive structures to dissipate heat.

However, the alleged statement is made based on applicant's assumption.
Further, the alleged limitation is not shown in any claims.

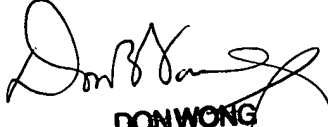
Inquiry

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh V Ho
Examiner
Art Unit 2821


DONWONG
SUPERVISORY PATENT EXAMINER